IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23940 of 1998

Between:

Telaprolu Venkateswarlu, S/o. Kotaiah,
R/o. Kandukur Mandal, Prakasam District

... PETITIONER

AND

The Kandukur Municipality, Rep. by its Commissioner.
Kandukur, Prakasam District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus to declare the action of the respondent herein in seeking to lay road in

Sy.No. 565/2B of Kandukur, Prakasam District, without acquiring the same by due process of law under the provisions of Land Acquisition Act, as illegal, arbitrary and unjust by issuing appropriate writ, order or direction.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR
Counsel for the Respondent: MR. S. NAGESWARA REDDY

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondent herein in seeking to lay road in Sy.No.565/2B of Kandukur, Prakasam District without acquiring the same by due process of law under the provisions of the Land Acquisition Act as illegal and arbitrary.

2. Heard the learned counsel appearing on either side.

3. Even after several years, respondent has not filed counter affidavit. Learned standing counsel, on instructions, states that the respondent is not acquiring the land of the petitioner in Sy.No.565/2B for laying the road.

4. Learned counsel for the petitioner expressed no objection for disposing of the writ petition recording the statement of the learned standing counsel that respondent is not acquiring the land of the petitioner in the aforementioned survey number.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J

March 10, 2005

MRR

Copy to:

1. The Commissioner, Kandukur Municipality,
   Kandukur, Prakasam District.
2. Two C.D. Copies.